IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal Lodging No. 434 of 2004
in
Notice of Motion No l77 of 2003
in
Notice no. N/272 of 2003
M/s Saral Enterprises and ors.. appellants
vs
Ashok Thapar and ors.....Respondents

Mr. Uday Bobde i/b Denzil D'mello for appellants
Mr.Kishor Jain i/b P V Shah for respondents

CORAM: A.P.SHAH & S.J.VAZIFDAR JJ.

Dated l7.l.2005

P.C:

. Heard advocates. Perused order of the learned single Judge. The defence raised in the Notice for setting aside the insolvency are totally misconceived and rightly rejected by the learned single Judge. Reliance placed on section l2 of the Presidency Towns Insolvency Act,l909 is equally misconceived. Section l2 has no application at the stage of insolvency notice and it would come into play only after filing of the insolvency petition.

Appeal is dismissed.